

REMARKS/ARGUMENTS

Applicant respectfully traverses the restriction requirement for the following reasons:

The Examiner incorrectly states that:

“The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another in a materially different process.”

The Examiner then states:

“In the instant case the product as claimed can be made by a materially different process such as chemical embossing.”
(Emphasis Added)

Applicant disagrees with the Examiner’s construction of the product as claimed in independent claims 17 and 23. In both claims, “the compacted and smooth surfacing is provideed with a texture on the upper side by being subjected to mechanical pressure using an uneven emobssing face.” Thus, the use of chemical embossing, as asserted by the Examiner, would not produce the product as claimed in claims 17 and 23.

Further, the process as claimed in claim 11 contains each and every limitation as set forth in product claims 17 and 23, as evidenced by a side-by-side comparison of the claims below. Accordingly, the process of claim 11 can be used only to produce the product as claimed in claims 17 and 23 and, further, the product as claimed in claims 17 and 23 can only be made by the process of claim 11.

As evidenced by the foregoing Table, Applicant respectfully contends that the claims of Group I and Group II share virtually identical language and, therefore, would not create an undue burden for the Examiner to maintain all pending claims in the application. Applicant, therefore, believes that due to the relationship between the inventions, a complete search with respect to the Group I claims should be coextensive with respect to Group II claims and would not pose any undue burden on the Examiner to search both inventions in a single application.

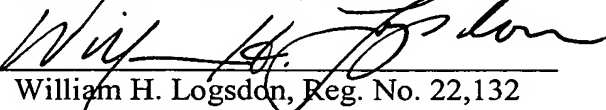
Claim 11		Claims 17 and 23*
<p>11. A method of producing a jointless and porous granular covering,</p> <p>in which rubber-elastic granules and a binder are mixed and applied to a base to form a sheetlike surfacing,</p> <p>wherein prior to the curing of the binder, the sheetlike surfacing is compacted and smoothed on an upper side,</p> <p>and prior to the curing of the binder, the compacted and smoothed surfacing is provided with a texture on the upper side by being subjected to mechanical pressure using an uneven embossing face.</p>	<p>↔</p> <p>↔</p> <p>↔</p>	<p>17. and 23. A granular covering</p> <p>in which rubber – elastic granules and a binder are mixed and applied to a base to form a sheetlike surfacing,</p> <p>wherein prior to the curing of the binder, the sheetlike surfacing is compacted and smoothed on an upper side,</p> <p>prior to the curing of the binder, the compacted and smoothed surfacing is provided with a texture on the upper side by being subjected to mechanical pressure using an uneven embossing face,</p> <p>and the upper side has been provided with elevations and depressions in an [irregular (claim 17) or regular (claim 23)]* arrangement.</p>

Restriction is therefore improper and the Examiner's reconsideration and withdrawal of the requirement are respectfully requested. Examination of all claims in Groups I and II is deemed proper and the Examiner's favorable action is earnestly solicited.

Respectfully resubmitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By:



William H. Logsdon, Reg. No. 22,132
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com